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Internal Security

COURTS RULE IN FAVOR OF INTELLIGENCE AGENCIES

In 3 recent cases, Federal courts have ruled in favor of U.S. intelligence agencies: In NATHAN GARDELS vs. CENTRAL INTELLIGENCE AGENCY, a student at the University of California at Los Angeles brought suit against the CIA seeking disclosure of covert agency contacts with all campuses of the University of California.

A series of court rulings, culminating with the U.S. Appeals Court in Washington, upheld the CIA. The Appeals Court noted: "The CIA collects confidential information and advice from academics who have traveled abroad, studied a discipline pertinent to foreign intelligence, or can help in recruiting foreign intelligence sources."

If the agency were forced to confirm the existence of covert contacts with such people, said the court, it would be easy for foreign intelligence operatives to "try to zero in and identify specifically what were the nature of these relationships or with whom the relationships were."

If the agency were to deny the existence of such contacts, the acknowledgement would make the job of foreign spies that much easier--having to target fewer American academics, the court pointed out.

In VICTOR NAVASKY vs. CENTRAL INTELLIGENCE AGENCY, the Supreme Court refused to consider the lawsuit of NAVASKY, editor of The Nation, a well-known leftist publication, against the CIA. The U.S. Appeals Court in New York had ruled the agency does not have to disclose to him all documents relating to its clandestine book publishing activities throughout the world.

"Such revelations would have an adverse effect on foreign relations with the foreign countries and leaders who were targets of the publishing activities," the District Court in New York observed.

"The disclosure of the classified information at issue could reasonably be expected to cause identifiable damage to the national security in the field of foreign relations," said the court.

In HARRISON SALISBURY vs. U.S.A., a veteran liberal correspondent and editor long associated with The New York Times brought suit against the National Security Agency (NSA), demanding that the agency:

- ¶Release records pertaining to him,
- ¶Award him $10,000 in punitive damages for allegedly violating his constitutional rights, and
- ¶Allow his lawyer to examine, in secret, classified NSA documents pertaining to his case.

SALISBURY claimed the NSA had intercepted his messages on electronic communication channels, which prevented him from exercising his First Amendment rights. "He also claimed the knowledge of NSA intercept operation made him unwilling to include in his messages information which he does not want his own government to know, or information which his government may pass on to its allies," the court reported.

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